12

Home (1947) Department

ns SERIES.

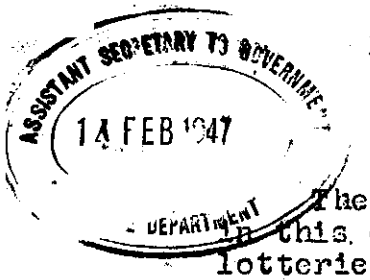
G.O. NO.	1489
Dated	16th April 1947

[Despatch Abstract.]

Public Prosecutor - Special - South Kanara District - Bosses Colleny cheating cases - Jangedhari Daly Sri. B - Appointed

Head of Department

Copy of letter Ref.C.No. 4967-46-C.1 dated 4.2.47 from the Collector of South Kanara, Mangalore, to the Secretary to Government. Home Department, Madras.



CRIMINAL JUSTICE: South Kanara District - Bogus lotteries Trial of cases - Appointment of a Special Deputy Collector Ist Class Magistrate - Report submitted.

The special police employed on the detection of swindling cases in this district have detected 17 cases of cheating by means of bogus lotteries. One of these cases has been transferred to the Poona Police. Cases have been registered under section 420 and 37 I.P.C. Investigation has been completed in 12 cases and draft charge-sheets have been laid. The charge sheets in the remaining 4 cases have also been filed before the Sub Divisional Magistrates concerned.

2. The District Superintendent of Police, South Kanara, reports that all these are intricate cases of an inter-provincial nature wherein the 412 witnesses have to come from all over the Presidencies of Madras and Bombay and that the cases involve the recording of a huge volume of evidence. He states that it will not be possible for the Sub Divisional Magistrates to try these cases in the midst of their normal revenue and magisterial work and requests that a special first class Magistrate may be appointed for the purpose. Copies of his reports R.C. 1846/State-46 dated 22-10-46 and 8-1-47 are enclosed. I agree with him that a special court is necessary to try these cases and in view of their sensational nature and the large number of witnesses and exhibits involved, it is necessary to appoint a special Deputy Collector Ist Class Magistrate for the purpose.

3. I request that the Government may be pleased to appoint a Special Deputy Collector Ist Class Magistrate for this purpose for a period of six months in the first instance. A staff consisting of two lower division clerks, one attender, and 2 peons may also be employed to work under him for a like period.

4. There is no space in any of the existing Government buildings in charge of this department in Mangalore to house the Special Court which will have to be located in a private rented building. A suitable building will be looked for and separate report submitted.

5. In view of the intricate nature and the importance of the cases, the prosecution work has to be handled by an experienced person. There are no suitable A.P.Ps. available here. The employment of an additional Public Prosecutor will be an expensive proposition and the A.P.P.I, cannot be spared for this work as he has got to manage the existing prosecution work in the District. I suggest that the services of an experienced and capable Prosecuting Inspector may be secured from anywhere in the Presidency to conduct these special cases.

6. Copies of the 12 draft charge-sheets filed by the Police so far are enclosed.

(True copy).

gm.12/2.

Superintendent

9

20/-

Home dept

32/20.2

Endt. No. 10093F/47-1 dt 18.2.47

A copy of letter Ref. C. No. 4967-46-C.1 Plaints dt 4-2-47 from the D.M., South Kanara is forwarded to the I.G. of Police Madras. He is requested to ~~state~~ offer his remarks, not later than 5-3-47, on the application of the G.T. that ~~whether it is possible for him to depute~~ an experienced and capable Prosecuting Inspector para 5 plaints of Police/ may be deputed to the South Kanara district to conduct the prosecution in the special cases referred to in the D.M's letter cited

18/2/47.

18/2/47

To

The I.G. of Police
Madras
(with copy of plaints)
(R.D. 6-3-47)

Note:- Action in regard to the proposals of the D.M in para 3 of his letter at plaints is being taken separately in 'D' section Memo

18/2/47.

18/2/47

From
L.A. Bishop Esq., O.B.E.,
Inspr.-Genl. of Police,
Madras-4.

To
The Secretary to the
Government of Madras,
Home Department.

No. 283/W/47 Dated 4th March 1947.

Sir,

Sub:-- South Kanara district - Bogus lotteries - Trial of cases - Appointment of a Prosecuting Inspector - Report of.

Ref:-- Home Department endorsement No.10093 F/47-1, dated 18-2-'47.

I have no qualified Inspector to spare. However, I recommend officiating Inspector Mr. G.B.D'Silva whose particulars are furnished below. Though he has not undergone the necessary training required for a Prosecuting Inspector, he seems to be fully proficient in prosecution work. He was prosecuting Sub Inspector, Mangalore, in 1944.

1. Name:-- G.B.D'Silva.
2. Educational qualifications:-- B.A. (Hons).
3. Service:-- About 16 years.

for Inspr.-Genl. of Police.

K.R.3-3/

at 10093 F/47

VERY URGENT"

Home Department

Memorandum No. 10093 F/47-3 d/ 24.3.1947.

P.P. - Special - South Kanara district - Bogus lotteries cheating cases - Appointment.

Ref: From the D.M.South Kanara, Ref.C.No. 4967-46-C1, dated 4-2-1947.

The D.M., South Kanara, is informed that the Govt. consider that a Special P.P. should be appointed to conduct the prosecution in the 16 cases of cheating by means of bogus lotteries to be tried by the ~~proposed~~ sanctioned in G.O. 1162 Home dated 22.3.47 Special First Class Magistrate. He is accordingly requested to submit, not later than 1-4-1947, proposals for the appointment of a Special Public Prosecutor.

With reference to para 3(a) of G.O. No.3587, Law (Genl) dated 14-11-35, the daily fee, subject to a maximum that may be allowed to the Special P.P., should also ~~be~~ be p.t.o.

be ~~recommended~~ specified

6/47. PP
21.3.47

(approved by says in notes)

To the ~~D.M.~~ South Kanara,
Mangalore.

(R.D.2-4-1947)

Ref.C.No.4967-46-C1.

S.K.District Magistrate's
Office,
Mangalore, dated 28--3--47.

7

From

J.F. Saunders, Esq., M.B.E., I.C.S.,
District Magistrate of South Kanara,
MANGALORE.

7 2311/3 F/31-3

To

The Secretary to Government,
Home Department,
MADRAS.

Sir,

PUBLIC PROSECUTOR - Special - South Kanara District
Bogus lotteries cheating cases - Appointment - Report
submitted -

Ref: Government Memorandum 10093-F/47-3 Home Department
dated 24-3-1947.

***

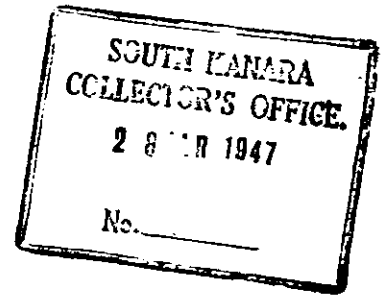
I recommend that Sri B. Gangadhar Das, B.A., B.L., Advocate, Mangalore may be appointed to be the Special Public Prosecutor for conducting the prosecution in the 16 cases, ~~based~~ of cheating by means of bogus lotteries. With reference to para 3(a) of G.O.No.3577, Law (General) dated 14-11-1935, I recommend that the daily fee to be paid him may be fixed at Rs.20/- subject to a maximum of Rs.250/- for each case. He is agreeable to take up the work on these terms. His letter of consent is enclosed.

2/- I have not received a copy of G.O.No.1162, Home, dated 22-3-1947. A copy of it may kindly be supplied to me.

Ghulam Kadir
For Dt. Magistrate.

63 7

Mangalore dated 28-3-47.



From,

B.Gangadhar Das,
B.A.B.L,
Advocate, Mangalore.

To,

The District Magistrate,
South Kanara, Mangalore.

Sir,

Ref:- C.No.4967/46 not in file

While thanking the District Magistrate for proposing to recommend me for appointment as the Special Public Prosecutor for conducting the prosecution in the swindling cases, I beg to state that I am agreeable to take up the work on a daily fee of Rs.20/= subject to a maximum of Rs.250/- for each case.

Thanking you,
I beg to remain,
Sir,
Yours obediently,

B Gangadhar Das
28/3/47.

Home Deptt

(Ct 10993 F147) G.O/MS.No. 1489 16.4.47.

Public Prosecutor — Special — SOUTH KANARA Dt. — Bogus lottery cheating cases — GANGADHAR DAS Sri B — Appointed

Read: From the D.M. SOUTH KANARA,
Ref. C.No.4967-46-C1 d.4.2.47
I.G. of Police, Roc No. 283/W/47 d.4-3-47.
D.M. SOUTH KANARA, Ref. C.No. 4967-46-C1 dt. 28-3-47.

Order

Sri B. GANGADHAR DAS, Advocate, MANGALORE is appointed as a Special P.P. to conduct the prosecution in the sixteen cases of Cheatin

by means of bogus lotteries which are to be tried by the Special First Class Magistrate sanctioned in G.O No. 1162 Home dt 2.2.3.47 +398(L)

2 Sri B. GANGADHAR DAS will be paid a fee of Rs 20/- (Rupees twenty only) ~~per day~~ for each day on which the cases are heard subject to a maximum of Rs 250/- (Rupees two hundred and fifty only) for each case.

JK
2.4.47

#80
#1144/47 BP
1.4.47

To
The D.M. SOUTH KANARA, MANGALORE
... I.G. of Police, MADRAS
... Acct Genl MADRAS
through the Finance Dept.

1874/47

C.No. 10093.F/47

Home dept.

Precedent in G.O.Ms. No 3627, Home, dt 19-11-46 PPS-6C f. 12(2)

G.O. Ms. No. d

Public Services - Prosecuting staff - South Kanara dt. - Tempy. Prosecuting Inspector of Police - Sanctioned

Read:-

P1C.F. From the D.M., South Kanara Ref. C.No. 4967-46-C.1 dt 4-2-47.

P3C.F From the I.G. of Police Foc. No. 283/W/47 dt 4-3-47

ORDER:-

H.E. the Governor of Madras sanctions the appointment in the South Kanara dt. of a tempy. Prosecuting Inspector of Police for a period of six months from the date of appointment or till the need ceases whichever is earlier, to conduct the prosecutions in 16 cases of cheating by means of bogus lotteries detected by the spl. police employed on the detection of swindling cases in that dt

2/- The expenditure should be met from the appropriation under "29.c. Police - Dt. Executive Force - A. Dt. Police - I. Ordinary Areas - Pay of Police Force - Voted."

8/3/47 8-3-47 8/3/47

To
The D.M. South Kanara (with copy of P3C.F.)
" I.G. of Police
" A.G. through the Fin dept.
" Hon. the C.J. High Court Madras
(Copy for S. file)

P3CF Note:- Though the I.G. has reported the name

name of the prosecuting inspector who is to be deputed to the South Kanara dt., orders appointing him as a Public Prosecutor under section 492 Cr. P.C. may be issued on receipt of the D.M's. proposal after he makes the appointment – for a precedent please see G.O. No. 3627, Home, d 19-11-46 at (21). 10093F 23/13.3.47 R Plants

2/. The draft order on plants may be sent to Finance dept. for acceptance

8/3/47

8/3/47 06/3/47

8/3/47

S

Home 10093 F/47-2

10.3.47

Finance Gl

In the circumstances stated by the DSP South Kanara at para 5 on page 1 of the draft order overleaf may be accepted and the case returned to Home.

10.3.47

11/3

APP TO GOI 145226. 11 MAR 1947

precedent in p 5 (4)

Home.

DS. HOME

Fin no. 145226 E1-1 12.3.47

H.D

may issue

12/3/47

S

13/3/47

Hon'ble

ADDITIONAL ASSISTANT SECRETARY 12 MAR 1947 HOME DEPARTMENT

The proposal to appoint a Special Deputy Collector 1st Class Magistrate for the trial of cases mentioned may be sanctioned for six months in the first instance.

Cm 8727/D 18819 F 2/L 3.

Hon'ble 1/17 3/47 (L)

The location of the Special Court in a private rented building may also be agreed to.

As regards the agency to prosecute these cases I think that in view of the fact that the I.G. of Police has no qualified Inspector to spare and the person recommended by him is not one who has had the training required for a prosecuting Inspector, I think an additional P.P.

may be appointed for the purpose of conducting these cases. There need be no question of cost. Cheating cases have become common in S. Kanara and as complaints have been made by the public from time to time it is necessary (therefore) that a ~~good~~ capable additional P.P. from the Bar should be selected and appointed for the purpose. Proposal in this behalf may be called for urgently from the D.M.

20-3-47.

20/3/47

Please see the orders in circulation on pp. 2-3 above.

C 1878 4/47

~~The D section file~~ Orders relating to the appointment of a Special ~~I Class Magistrate~~ Iday Magistrate to try the cases under reference ~~and the staff to work under him was circulated to H.M. on 17-3-1947, and it has not yet returned from circulation.~~ case are issue.

Since issued
P 39 Q (L)

2. As regards the agency to prosecute the cases under reference, H.M's intention presumably is to appoint a special P.P. (Addl. P.Ps. are appointed either for a whole district or in respect of cases coming before the court of an Asst. Sessions Judge or an Addl. Sessions Judge only) Necessary proposals may be called for from the D.M. South Kanara. A draft Memo. is submitted for approval.

P K P 3 J (P)

Thro' D.

21-3-47 22.3.47

21/3/47 21.3.47

20/3/47

P 5 6 C (Issued Memo No. 10093 F/47-3 d. 24-3-47)
P 7 C From the D.M. South Kanara, Ref. C. No. 491/46-C1 d. 28-3-47
With reference to the Memo. on P 5-6 C, please see the D.M's reply on P 7 C. Daily fee at the rate of Rs 25/- to Rs 35 (per day) is usually allowed to Spl P.Ps. The fee recommended by the D.M. is Rs 20/- per day subject to a maximum of Rs

No 265 Home 74 to 43
P (2) (D) & K
or 1-1-2 ms S (C)
No 3551 Home 74 11.46

CL-10093-FR.

for each case may therefore be accepted. A draft order is submitted for approval. It may be sent to Finance for acceptance.

11/4/47

Para 2 on p 7 ante. A copy of the Ord has since gone to the Dsn.

Through D

(Previous Finance note on p 2 above) Fin (Rev) Home No 10093 FR/47-1 2.4.47.

The draft order may be accepted.

8/4/47. Home.

8 - APR 1947 FINANCE DEPARTMENT

Home Dept Home

The draft order below may issue.

9.4.47

APR 8 - 47 HOME DEPARTMENT

Hm/Hmy

21816 F/9.4

19 APR

(Issued as S.O. HS-No 1489 Home d 16.4.47)